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Substantive Examiner
Name: Fulcheri, Alessandro
Tel: +49 89 2399 - 7050

Application No. 04 744 219.9 - 2205	Ref. PHGB030134EP1	Date 17.04.2009
Applicant Koninklijke Philips Electronics N.V.		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).



Fulcheri, Alessandro
Primary Examiner
For the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

The examination is being carried out on the **following application documents**:

Description, Pages

1-23 as published

Claims, Numbers

1-36 as published

Drawings, Sheets

1/6-6/6 as published

1. Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure:

D1: PATENT ABSTRACTS OF JAPAN vol. 2002, no. 10, 10 October 2002 (2002-10-10) & JP 2002 169511 A (SEMICONDUCTOR ENERGY LAB CO LTD), 14 June 2002 (2002-06-14)

D2: US 2003/142047 A1 (IWATA SHUJI ET AL) 31 July 2003 (2003-07-31)

D3: EP-A-1 194 013 (EASTMAN KODAK CO) 3 April 2002 (2002-04-03)

2. An International Preliminary Report on Patentability has already been drawn up for the present application in accordance with the PCT. The deficiencies mentioned in that report give rise to objections under the corresponding provisions of the EPC.

3. The following further points are noted with regard to any new application document to be filed.
- 3.1 The attention of the applicant is directed to the amended formulation of Rule 43(2) EPC: a European patent application may contain more than one independent claim in the same category only if the subject-matter of the application involves one of the following:
- (a) a plurality of interrelated products;
 - (b) different uses of a product or apparatus;
 - (c) alternative solutions to a particular problem, where it is not appropriate to cover these alternatives by a single claim.
- 3.2 The applicant is also reminded of the requirements of Article 52(2)(c) and (d) EPC, related to patentable inventions. Also, the requirement of Rule 137(4) EPC must be fulfilled when amending the claim, in order to ensure that the newly filed claims form a single general concept with the originally claimed invention.
- 3.3 To meet the requirements of Rule 42(1)(b) EPC and Rule 42(1)(c) EPC, prior art documents D1-D3 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 3.4 The description must be brought into conformity with any new claims to be filed; care should be taken during revision, especially of the introductory portion including any statement of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed, Article 123(2) EPC. The inconsistency between the claims and the description might lead to doubts concerning the matter for which protection is sought, thereby rendering the claims unclear (Article 84 EPC).
- This may be complied with using a simple statement which makes clear that the scope of the invention is defined by the appended claims.
- 3.5 In order to facilitate the examination of conformity of the amended application, the applicant is requested to clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.

Datum
Date
Date 17.04.2009

Blatt
Sheet
Feuille

3

Anmelde-Nr.:
Application No.:
Demande n°:

04 744 219.9



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Generaldirektion 2

Directorate General 2

Direction Générale 2

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PAYS-BAS



Formalities Officer

Name: De Caemel

Tel.: 2251

Date
30.11.06

Reference PHGB030134EP1	Application No./Patent No. 04744219.9 - 2205
Applicant/Proprietor Koninklijke Philips Electronics N.V.	

Communication of amended entries concerning the representative (Rule 92(1)h) EPC)

As requested, for the above-mentioned European patent application/European patent the entries concerning the representative have been amended as follows:

Damen, Daniel Martijn
Philips Intellectual Property & Standards
P.O. Box 220
5600 AE Eindhoven
NL

The amendment will be recorded in the Register of European Patents.

Transfer Service

Tel.: +49 (0)89 2399 2780





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Patentamt**

**European
Patent Office**

**Office européen
des brevets**

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Directorate General 1

Direction générale 1

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GRANDE BRETAGNE



EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date

29.03.06

Reference PHGB030134EP	Application No./Patent No. 04744219.9 - 2205 PCT/IB2004002582
Applicant/Proprietor Koninklijke Philips Electronics N.V.	

Notification of European publication number and information on the application of Article 67(3) EPC

The provisional protection under Article 67(1) and (2) EPC in the individual contracting states becomes effective only when the conditions referred to in Article 67(3) EPC have been fulfilled (for further details, see information brochure of the European Patent Office "National Law relating to the EPC" and additional information in the Official Journal of the European Patent Office).

Pursuant to Article 158(1) EPC the publication under Article 21 PCT of an international application for which the European Patent Office is a designated Office takes the place of the publication of a European patent application.

The bibliographic data of the above-mentioned Euro-PCT application will be published on 10.05.06 in Section I.1 of the European Patent Bulletin. The European publication number is 1654720.

In all future communications to the European Patent Office, please quote the application number plus Directorate number.

Receiving Section





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Tel.: +31 (0)70 340 45 00

Date
23-03-2006

Reference PHGB030134EP	Application No./Patent No. 04744219.9 - 2205 PCT/IB2004002582
Applicant/Proprietor Koninklijke Philips Electronics N.V.	

Communication pursuant to Rules 109 and 110 EPC

(1) Amendment of application documents, especially the claims (R. 109 EPC)

The above mentioned international (Euro-PCT) application has entered the European phase, or can do so, once the necessary conditions are fulfilled.

Under Articles 28, 41 PCT, Rules 52, 78 PCT and Rule 86(2) to (4) EPC, the applicant may amend the application documents after receiving the international search report.

Whether or not he has already done so, he now has a further opportunity to file amended claims or other application documents within a non-extendable time limit of one month after notification of the present communication (R. 109 EPC).

The claims applicable on expiry of the above time limit, i.e. those filed on entry into the European phase or in response to the present communication, will form the basis for the calculation of any claims fee to be paid (see page 2) and for any supplementary search to be carried out under Article 157(2) EPC (R. 109 EPC).

--2/

New amounts of procedural fees as from 01.04.2006 (see OJ EPO 2006, 8)!

**(2) Claims fees under Rule 110 EPC**

If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee shall be payable for the eleventh and each subsequent claim within the period provided for in Rule 107(1) EPC.

- ☐ Based on the application documents currently on file, all necessary claims fees have already been paid (or the documents do not comprise more than 10 claims).
- ☒ All necessary fees will be/have been debited automatically according to the automatic debit order.
- ☐ The claims fees due for the claims to were not paid within the above-mentioned period.

Any non-paid claims fee, either based on the current set of claims or on any amended claims to be filed pursuant to Rule 109 EPC (see page 1), may still be validly paid within a non-extendable period of grace of **one month** after notification of this communication.

If a payment is made for only some of the claims, it must be indicated for which claims it is intended. If a claims fee is not paid in due time, the claim concerned is deemed to be abandoned (R. 110(4) EPC).

If claims fees have already been paid, but on expiry of the above-mentioned time limit there is a new set of claims containing fewer fee-incurring claims than previously, the claims fees in excess of those due under Rule 110(2), 2nd sentence, EPC will be refunded (R. 110(3) EPC).

You are reminded that any supplementary search under Article 157(2) EPC will relate only to the last set of claims applicable on expiry of the above time limit AND will be confined to those fee-incurring claims for which fees have been paid in due time.

The fee for the eleventh and each subsequent claim is EUR 40,00.

Receiving Section





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EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date

21.12.05

Reference	Application No./Patent No. 04744219.9 - 2205 PCT/IB2004002582
Applicant/Proprietor Koninklijke Philips Electronics N.V.	

Entry into the European phase before the European Patent Office

These notes describe the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully: failure to take the necessary action in time can lead to your application being deemed withdrawn.

1. The above-mentioned international patent application has been given European application No. **04744219.9**.
2. Applicants **without** a residence or their principal place of business in an EPC contracting state may themselves initiate European processing of their international applications, provided they do so before expiry of the 31st month from the priority date (see also point 6 below).

During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Arts. 133(2) and 134(1), (7) EPC).

Procedural acts performed after expiry of the 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants are therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.

3. Applicants **with** a residence or their principal place of business in an EPC contracting state are not obliged to appoint, for the European phase before the EPO as designated or elected Office, a professional representative authorised to act before the EPO.
However, in view of the complexity of the procedure it is recommended that they do so.
4. Applicants and professional representatives are also strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.



5. **To enter the European phase before the EPO, the following acts must be performed.**
(N.B.: Failure validly to do so will entail loss of rights or other adverse legal consequences.)
- 5.1 If the EPO is acting as **designated or elected Office** (Arts. 22(1)(3) and 39(1) PCT respectively), applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:
- a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Art. 22(1) PCT and Rule 107(1)(a) EPC).
If the translation is not filed in time, the international application is deemed withdrawn before the EPO (Rule 108(1) EPC).
This loss of rights is deemed not to have occurred if the translation is then filed within a two-month grace period as from notification of an EPO communication, provided a surcharge is paid at the same time (Rule 108(3) EPC).
 - b) Pay the national basic fee (EUR 90,00) and, where a supplementary European search report has to be drawn up, the search fee (EUR 960,00 ; Rule 107(1)(c) and (e) EPC).
 - c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee (EUR 75,00) for each contracting state designated (Rule 107(1)(d) EPC).
 - d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination **and** pay the examination fee (EUR 1430,00 ; Rule 107(1)(f) EPC).
 - e) Pay the third-year renewal fee (EUR 380,00) if it falls due before expiry of the 31-month time limit (Rule 107(1)(g) EPC).
- If the fees under (b) to (d) above are not paid in time, or the written request for examination is not filed in time, the international application is deemed withdrawn before the EPO, or the contracting-state designation(s) in question is (are) deemed withdrawn (Rule 108(1) and (2) EPC). However, the fees may still be validly paid within a two-month grace period as from notification of an EPO communication, provided the necessary surcharges are paid at the same time (Rule 108(3) EPC). For the renewal fee under (e) above, the grace period is **six** months from the fee's due date (Article 86(2) EPC).
- 5.2 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the 31-month time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (Rule 110(1) EPC). The fee can however still be paid within a one-month grace period as from notification of an EPO communication pointing out the failure to pay (Rule 110(2) EPC).
6. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.
- All subsequent communications will be sent to the applicant, or - if the EPO is informed of his appointment in time - to the applicant's European representative.**



7. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent
Guide for applicants - Part 2
PCT procedure before the EPO - "Euro-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and details of the latest fees are now all available on the Internet under

<http://www.european-patent-office.org>

RECEIVING SECTION





To the European Patent Office

Entry into the European phase (EPO as designated or elected Office)

European application number	
PCT application number	PCT/IB2004/002582
PCT publication number	
Applicant's or representative's reference	PHGB030134EP

1. Applicant

Particulars of the applicant(s) are contained in the international publication or were recorded by the International Bureau subsequent to the international publication. ☒

Changes which have not yet been recorded by the International Bureau are set out here: ☐

Address for correspondence

2. Representative 1

This is the representative who will be listed in the Register of European Patents and to whom notifications will be made

Name

WILLIAMSON, Mr Paul, L

Address of place of business

Philips Intellectual Property & Standards
Cross Oak Lane
Redhill, Surrey RH1 5HA
United Kingdom

Telephone

+44 1293 81 5280

Fax

+44 1293 81 5060/5707

e-mail

Any additional representative(s) is/are listed here: ☐

3. Authorisation

An individual authorisation is attached. ☐

A general authorisation has been registered under No: ☐

A general authorisation has been filed, but not yet registered. ☐

The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase. ☐

4. Request for examination

Examination of the application under Art. 94 EPC is hereby requested. The examination fee is being (has been, will be) paid. ☒

Request for examination in an admissible non-EPO language: ☒

Verzocht wordt om onderzoek van de
aanvraag als bedoeld in Art. 94.

5. Copies

One or more additional sets of copies of the documents cited in the supplementary European search report are hereby requested.

☐

Number of additional sets of copies

6. Documents intended for proceedings before the EPO

6.1 Proceedings before the EPO as designated Office (PCT I) are to be based on the following documents:

the application documents published by the International Bureau (with all claims, description and drawings), where applicable with amended claims under Art. 19 PCT

☒

unless replaced by the amendments attached.

☐

Where necessary, clarifications should be attached as 'Other Documents'

6.2 Proceedings before the EPO as elected Office (PCT II) are to be based on the following documents:

the documents on which the international preliminary examination report is based, including any annexes

☒

unless replaced by the amendments attached.

☐

Where necessary, clarifications should be attached as 'Other Documents'

If the EPO as International Preliminary Examining Authority has been supplied with test reports, these may be used as the basis of proceedings before the EPO.

☒

7. Translations

Translations in one of the official languages of the EPO (English, French, German) are attached as crossed below:

* *In proceedings before the EPO as designated or elected Office (PCT I + II):*

Translation of the International application (description, claims, any text in the drawings) as originally filed, of the abstract as published and of any indication under Rule 13bis.3 and 13bis.4 PCT regarding biological material

☐

Translation of priority application(s)

☐

It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 38(5) EPC)

☐

* *In addition, in proceedings before the EPO as designated Office (PCT I):*

Translation of amended claims and any statement under Art. 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6).

☐

* *In addition, in proceedings before the EPO as elected office (PCT II):*

Translation of annexes to the international preliminary examination report

☐

8. Biological material

The invention relates to and/or uses biological material deposited under Rule 28 EPC. ☐

The particulars referred to in Rule 28(1)(c) EPC (if not yet known, the depository institution and the identification reference(s) [number, symbols, etc.] of the depositor) are given in the international publication or in the translation submitted under Section 7 on: ☐

page(s) / line(s)

A copy of the receipt(s) of deposit issued by the depository institution

is attached ☐

will be filed at a later date ☐

A waiver of the right to an undertaking from the requester pursuant to Rule 28(3) EPC is attached. ☐

9. Nucleotide and amino acid sequences

The items required under Rules 5.2 and 13ter PCT and Rule 111(3) EPC have already been furnished to the EPO. ☐

The sequence listing as part of the description is attached in PDF format. ☐

The sequence listing does not include matter that goes beyond the content of the application as filed. ☐

In addition, the sequence listing data is attached in computer-readable form in accordance with WIPO Standard 25. ☐

The sequence listing data in computer-readable form in accordance with WIPO Standard 25 is identical to the sequence listing in PDF format. ☐

10. Designation fees

10.1 It is currently intended to pay seven times the amount of the designation fee. The designation fees for all the EPC contracting states designated in the international application are thereby deemed to have been paid (Art. 2 No. 3 RFees). ☒

AT BE BG CH&LI CY CZ DE DK EE ES FI FR GB GR HU IE IT LU MC NL PL PT RO
SE SI SK TR

10.2 The declaration in No. 10.1 does not apply. Instead, it is currently intended to pay fewer than seven designation fees for the following EPC contracting states designated in the international application: ☐

It is requested that no communications under Rule 108(3) EPC be issued in respect of any contracting states not indicated.

10.3 If an automatic debit order has been issued (Section 12), the EPO is authorised, on expiry of the basic period under Rule 107(1)(d) EPC, to debit seven times the amount of the designation fee. If states are indicated in No. 10.2, the EPO will debit designation fees for those states only, unless instructed otherwise before the basic period expires. ☒

11. Extension of the European patent

This application is also considered as being a request for extension to all the non-contracting states to the EPC designated in the international application with which "extension agreements" were in force on the date of filing the international application. However, the extension only takes effect if the prescribed extension fee is paid.



It is currently intended to pay the extension fee for the following states:

12. Automatic debit order

Currency

EUR

The EPO is hereby authorised, under the Arrangements for the automatic debiting procedure, to debit from the deposit account below any fees and costs falling due. For designation fees, see "States". The EPO is also authorised, on expiry of the basic period for paying the extension fees, to debit those fees for each of the "extension states" indicated in "States".

Deposit account number

28090021

Account holder

Philips International B.V. - IP&S

13. Reimbursements (if any) should be made to the following EPO deposit account:

Number and account holder

28090021, Philips International B.V. - IP&S

14. Fees

		Factor applied	Fee schedule	Amount to be paid
14-1	002 Search fee	0	690.00	0.00
14-2	015 Claims fee	0	40.00	0.00
14-3	020 Basic national fee for an international application	1	125.00	125.00
14-4	033 Renewal fee for the 3rd year	1	380.00	380.00
Total:			EUR	505.00

15. Annotations

16. Signature(s) of applicant(s) or representative

Place: Redhill
Date: 9 December 2005
Signed by: Subject: NL, Philips IP&S, K. Eleveld 2309
Issuer: , European Patent Office, European Patent Office CA
Capacity: (Representative)

For employees (Art. 133(3) EPC) having a general authorisation:
General authorisation No.
